

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

CITY OF DETROIT, MICHIGAN,

Debtor.

Case No. 13-53846

Chapter 9

Hon. Steven W. Rhodes

**APPLICATION OF PLUNKETT COONEY FOR ALLOWANCE  
AND PAYMENT OF ITS ADMINISTRATIVE EXPENSE CLAIM**

Plunkett Cooney ("Plunkett") files this its application for allowance and payment of its administrative expense claim in the amount of \$10,942.90 states:

1. Pre-petition, Plunkett represented the City of Detroit in four Matters, namely:

*Charles Jones, Personal Representative of Aiyana Stanley-Jones et al. v Police Officer Joe Weekly*

*Walter Swift v City of Detroit /Elizabeth Lewandowski, et al.*

*Keenan Ellsberry v City of Detroit, Brian Terechenok, William Zeolla, Justin Lyons, John Kile and James Aude*

*Chanel Smith, Next Friend of Micah and Matthew Ellsberry v City of Detroit, Next Friend of Minor Children Micah Ellsberry and Matthew Ellsberry v City of Detroit, Justin Lyons and Brian Terechenok*

*Bryon Fambro v Lee Earl Spratt, City of Detroit and Auto Club Insurance Association.*

2. On November 12, 2014, this Court entered its order (the "Confirmation Order") confirming the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the "Plan"). The Notice of the Entry of the Confirmation Order states that requests for payment of Administrative Claims must be filed by January 26, 2015.

3. Plunkett timely files this request for allowance and payment of its administrative expense claim in the amount of \$10,942.90 (\$10,038.50 fees and \$904.40 expenses) owing in respect of its post-petition services rendered to the City.

4. The post-petition work that Plunkett performed on the matters was performed with the knowledge and permission of the legal department of the City of Detroit.

5. The matters that Plunkett represents the City are specifically the following:

***Charles Jones, Personal Representative of Aiyana Stanley-Jones et al. v Police Officer Joe Weekly,***

This matter arises from a police raid at a home, which resulted in a shooting and accidental death of a child during the raid. A redacted copy of the post-petition work on this matter is attached as **Exhibit 1**.

***Walter Swift v City of Detroit / Elizabeth Lewandowski, et al. ,***

After being convicted of home invasion rape and armed robbery in 1982, Plaintiff served a 26-year prison term until 2008. As part of the "Innocence Project", he sought damages from Supervisor Elizabeth Lewandowski (our client), a police officer, and a police lieutenant, alleging various state and federal civil rights claims, and contending that he is innocent and was improperly imprisoned. This matter was recently settled by the City of Detroit. Attached as **Exhibit 2** is a redacted copy of the post-petition invoices for this matter.

***Keenan Ellsberry v City of Detroit, Brian Terechenok, William Zeolla, Justin Lyons, John Kile and James Aude,***

Keenan Ellsberry seeks damages, alleging both state and federal civil rights claims arising out of his arrest and detention. A redacted copy of the post-petition work on this matter is attached as **Exhibit 3**.

***Chanel Smith, Next Friend of Micah and Matthew Ellsberry v City of Detroit, Next Friend of Minor Children Micah Ellsberry and Matthew Ellsberry v City of Detroit, Justin Lyons and Brian Terechenok***

Two minor children who witnessed the arrest of their biological father, Keenan Ellsberry, seek damages from the two arresting officers, alleging infliction of emotional distress. A redacted copy of the post-petition work on this matter is attached as **Exhibit 4**.

***Bryon Fambro v Lee Earl Spratt, City of Detroit and Auto Club Insurance Association***

Auto Accident involving City of Detroit vehicle. A redacted copy of the post-petition work on this matter is attached as **Exhibit 5**.

6. Pursuant to 11 U.S.C. §503 made applicable to this Chapter 9 case by virtue of 11 U.S.C. §901(a), the \$10,942.90 (\$10,038.50 fees and \$904.40 expenses) in post-petition amounts owing to Plunkett constitute the actual, necessary costs and expenses of preserving the estate of the City of Detroit.

7. Plunkett reserves the right to supplement and/or amend this request for allowance and payment of its administrative expense claim.

WHEREFORE, Plunkett Cooney requests that this Court enter an Order, attached as **Exhibit A** and incorporated which grants the application of Plunkett for allowance and payment of its administrative expense claim in the amount of \$10,942.90 and such other and further relief as this Court deems proper.

Respectfully submitted,

Plunkett Cooney

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